



04-05-04 *Imace*
DHE-1162618

Docket No. (41925) 56937

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Weber et al.
SERIAL NO.: 10/081,009 GROUP: 1626
FILED: February 20, 2002 EXAMINER: Sonya N. Wright
FOR: NOVEL COMPOUNDS THAT INHIBIT TRYPTASE ACTIVITY

Assistant Commissioner of Patents
Washington, D.C. 20231

CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. 1.8(a))

I hereby certify that, on the date shown below, this correspondence is being:

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Maria T. Reen

Signature

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Sir:

PETITION TO WITHDRAW A HOLDING OF ABANDONMENT

PURSUANT TO 37 C.F.R. §1.181

Pursuant to 37 C.F.R. § 1.8(b) and §1.181, Applicants respectfully petition for withdrawal of the holding of abandonment for the above-referenced patent application.

STATEMENT OF FACTS

The Attorneys of Record for Applicants confirm receipt of the Office letter of August 19, 2003, which Office letter indicated that claims 1-9 and 11-19 were subject to a Final Rejection.

On February 12, 2004, the Attorneys of Record for Applicants sent via first-class mail, a complete and timely response to the Office letter of August 19, 2003. In particular, Applicants sent a response to MAIL STOP AF, Assistant Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, which contained the following materials, copies of which are enclosed herein:

- (1) Notice of Appeal;
- (2) Petition for Three-Month Extension of Time;
- (3) A check for \$165.00 representing the fee; and
- (4) A return receipt postcard.

The response transmittal included a duly executed certificate of mailing (pursuant to 37 C.F.R. §1.8). The certificate of mailing certified that the correspondence was deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on February 12, 2004.

The response was returned to Applicants' Attorneys of Record unopened, receipt of which occurred on February 23, 2004 (copy of envelope enclosed).

RELIEF REQUESTED

Applicants respectfully request that the Commissioner, based on the following arguments, withdraw the erroneous holding of abandonment and enter the Notice of Appeal into the record for the subject application.

ARGUMENT

The within petition and the related enclosures are being filed within two (2) months of the mail date of a Notice of Abandonment. Accordingly, the within petition is considered to be timely filed [37 C.F.R. 1.181(f)].

MPEP 711.04(c) provides that a petition to withdraw the holding of abandonment may be adequate relief when a response with a certificate of mailing has been filed by an applicant but was not received. The MPEP also suggests that a Petition to revive is not required in these circumstances. The foregoing is believed to be applicable to the facts relating to the abandonment of the subject application.

In the instant case, Applicants filed a timely and complete Notice of Appeal mailed on February 12, 2004, as evidenced by the enclosed materials. Thus, the abandonment of the subject application is wholly unintentional and erroneous.


CONCLUSION

In view of the foregoing, Applicants submit that the holding of abandonment be withdrawn. Accordingly, Applicants respectfully request withdrawal of the holding of abandonment of the above-referenced patent application, and entry of the enclosed Notice of Appeal of February 12, 2004.

No fee is believed to be due in connection with the filing or consideration of this petition.
In the event any fee(s) is/are due, however, please charge such fee(s) to Deposit Account No. 04-1105.

Respectfully submitted,

Date: April 1, 2007

By: 
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BOS2_301878.1